IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (CINCINNATI)

Derrick Goldsmith 8454 McEwen Rd Dayton, OH 45458	:	Case No.: 1:17-cv-00075
	:	Judge:
Plaintiff,	:	
vs.	:	**PLAINTIFF'S COMPLAINT WITH JURY DEMAND**
Afni, Inc. a foreign corporation c/o CT Corporation System 1300 E. 9th St Cleveland, OH 44114	:	
Defendant.	:	

NOW COMES THE PLAINTIFF, DERRICK GOLDSMITH, BY AND THROUGH COUNSEL, Robert LaForce, and for his Complaint against the Defendant, pleads as follows:

VENUE

1. Venue is proper in Hamilton County, Ohio as the Defendant Afni, Inc. is a foreign corporation with a registered agent in Cleveland, Ohio in Cuyahoga County and conducts business in all counties in Ohio including Hamilton County.

PARTIES

2. Derrick Goldsmith ("Goldsmith") is an individual residing in Dayton, Ohio in Montgomery County.
3. Afni, Inc. ("Afni") is a foreign corporation that maintains a registered agent in Cleveland, Ohio in Cuyahoga County.

GENERAL ALLEGATIONS

4. Defendant is attempting to collect a consumer type debt allegedly owed by Plaintiff to Dish Network with account number 1059626861 in the amount of $284.00 (the "Debt").
5. On or about September 8, 2016, Mr. Goldsmith obtained his Experian credit file and noticed that Defendant reported the alleged Debt.
6. On or about September 27, 2016, Mr. Goldsmith submitted a letter to Experian disputing the alleged Debt.
7. Upon information and belief, Experian forwarded Mr. Goldsmith's consumer dispute to Afni.
8. On or about October 6, 2016, CBC Innovis obtained Mr. Goldsmith's Experian credit file.
9. On or about December 9, 2016, Mr. Goldsmith obtained his Experian credit file and noticed that Defendant failed to flag the alleged Debt as disputed, in violation of the FDCPA.

10. Defendant violated Mr. Goldsmith's rights under the Fair Debt Collection Practices Act, causing him emotional distress, costs, and attorneys' fees.

COUNT I

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT BY AFNI

11. Plaintiff reincorporates the preceding allegations by reference.

12. At all relevant times, Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

13. Plaintiff is a "consumer" for purposes of the FDCPA, and the account at issue in this case is a consumer debt.

14. Defendant is a "debt collector" under the FDCPA, 15 U.S.C. §1692a(6).

15. Defendant's foregoing acts in attempting to collect this alleged debt violated the following provisions of the FDCPA:

    a. 15 U.S.C. §1692e2(A) by misrepresenting the character, amount or legal status of the debt. Defendant did this when it failed to report the Debt as disputed on Mr. Goldsmith's Experian credit report.

    b. 15 U.S.C. §1692e(8) by communicating or threatening to communicate to any person credit information which is known or which should be known to be false, including the failure to communicate that a disputed debt is disputed. Defendant did this when it failed to report the Debt as disputed on Mr. Goldsmith's Experian credit report.

    c. 15 U.S.C. §1692e(10) by using false representations or deceptive means to collect a debt.

16. Plaintiff has suffered emotional damages, including stress, anxiety, and irritation, and general and statutory damages as a result of these violations of the FDCPA.

WHEREFORE, PLAINTIFF PRAYS that this court grant him a judgment against Defendant for actual damages, costs, interest, and attorneys' fees.

PRAYER FOR RELIEF

Wherefore, Plaintiff asks this Court to enter judgment in his favor as follows:

a. Actual damages;

b. Damages for pecuniary, economic and emotional damages and loss;

c. Costs of the action;

d. Statutory attorney's fees;

e. Any additional relief deemed appropriate by the Court.

Respectfully submitted,

/s/ *Robert LaForce*

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JURY DEMAND

Plaintiff demands a trial by jury.

/s/ *Robert LaForce*
Robert LaForce